

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO, WESTERN DIVISION

[FILED ELECTRONICALLY]

EDDIE F. MARSHALL, ET.AL.,

CASE NO. C-1-02-189

Plaintiffs,

JUDGE HERMAN WEBER

vs.

MAGISTRATE JUDGE HOGAN

OHIO DEPARTMENT OF EDUCATION, ET.AL.,

Defendants.

MOTION FOR ENLARGEMENT OF TIME
TO FILE RESPONSE TO SUMMARY JUDGMENT

Now come all of the plaintiffs, by and through counsel, and respectfully move this Court for an order of enlargement of time of ninety days (90) to and including August 20, 2006, within which to file the memorandum and supportive documents in opposition to defendant's Motion For Summary Judgment.

The reason for this request is that counsel for plaintiffs, is without any authority to act in this case for plaintiff, Vena Marshall, due to the fact that plaintiff, Vena Marshall, has an eating disorder so serious that she almost died, and weighing 86 pounds she was hospitalized on April 17, 2006 to Children's Hospital, in Columbus, Ohio where she remained until May 21, 2006, and her parents, Sandy Marshall and Eddie Marshall have been appointed as Guardians of her person and estate by the Probate Court of Scioto County, Ohio.

That as a consequence of this family tragedy, counsel for plaintiffs has been unable to obtain the necessary input and support from any of the family members necessary to complete the response. At this point, counsel is unable to ascertain when such support may be forthcoming, but at the very least it cannot be prior a reasonable time after the substitution of the parents of Vena Marshall as party plaintiff who are caring around the clock for their daughter at home.

This Motion is not made for the purpose of delay, but due to an unavoidable family tragedy of the plaintiffs.

Respectfully submitted,

/s/ Joseph Bancsi

JOSEPH BANCSI (#0025450)
Attorney For Plaintiffs
1000 IMG Center
1360 East 9th Street
Cleveland, Ohio 44114
(216) 622-7766
(216) 622-7767
jb@bancsilaw.com

CERTIFICATE OF SERVICE

I certify that on the 22nd day of May, 2006, a copy of the foregoing document was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's electronic filing system.

/s/ Joseph Bancsi

Joseph Bancsi
Attorney For Plaintiffs